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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/551,519	06/09/2006	Jorn Krab	P08769US00/DEJ	6079
881 7590 02/13/2009 STITES & HARBISON PLLC 1199 NORTH FAIRFAX STREET SUITE 900 ALEXANDRIA, VA 22314			EXAMINER JOHNSON, BLAIR M	
			ART UNIT 3634	PAPER NUMBER
			MAIL DATE 02/13/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/551,519

Applicant(s)

KRAB ET AL.

Examiner

Blair M. Johnson

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 November 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 27-39, 41, 44-46, 48 and 54-59 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 27-39, 41, 44-46, 48 and 54-59 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 6/9/06
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Drawings

The drawings are objected to because of the following:

The specification makes reference to motor drive shaft "35". However, element 35 does not appear to be a drive shaft. Fig. 8 is said to have element "58", which is not shown in Fig. 8.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The disclosure is objected to because of the following: Fig. 4 is made reference to several times as showing details that are not included therein. See, for example, see paragraph 0064 (see corresponding patent publication 2006/0225849).

Appropriate correction is required.

Claim Rejections - 35 USC § 112

Claims 29 and 32 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The tilt and lift mechanisms being on separate shafts is not shown or otherwise adequately disclosed.

The double thread feature is not adequately disclosed or shown.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schuppler et al (3,916,973).

See slats 3 having edge portions each having a space and gap as recited. See attachment member 20, of which there are at least two along the length of the slat,

thereby meeting the recitation of one for each edge. Attachment member 20 has a central loop portion 25 in the same (first) plane as first leg (body of 20 between central loop 25 and the end)) with second and third legs 21 on opposite ends being in the same (second) plane, which plane being at an angle to the first plane defined by one half of 20 along with 25. See tilt cords 1,2. Lift cords are disclosed as extending through holes 7. What is not shown are two pairs of lift cords. However, providing four lift cords to support a large blind would have been well known.

Claims 58 and 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schuppler et al in view of Debs (3,818,969).

Debs discloses support cords 50 and lift cords 22 extending through the same apertures in the ends of the slats. It would have been obvious to modify the blind of Schuppler et al to have such an arrangement so as to prevent unwanted movement of the slats.

Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kahn (2,381,060) in view of Schuppler et al.

Kahn discloses a blind system that has tilt, 16,etc., and lift, 17,etc., mechanisms, each mounted on different drive shafts. What is not shown is the slat and slat attachment of claim 27. However, this is met by Schuppler et al as discussed above and it would have been obvious to provide such for Kahn so as to render the slats easily removable.

Claims 28,30,32-39,41 and 54-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pender (3,181,595) in view of Schuppler et al.

Pender discloses a combined lift and tilt system. For claim 30, see tubular member 21 and guide 20. For claim 36, see tilt house 21, 22, drive shaft 38, tilt member 20, stop 62 and abutments, ends of slot 63. See also bearing 20, 26, with 20 providing a gap. The modification of the threads whereby they are trapezoidal would have been obvious so as to eliminate sharp edges on conventional threads, which might damage the cords. Regarding claim 37, manufacturing the tilt member 20 or plastic, which is resilient, would have been obvious to reduce weight, costs, etc. Tilt member 20 has a collar at one end which forms a groove of sorts for the tilt cords/tapes 29. Pender also discloses a motor, column 5, lines 20-23. The location of a motor in a driven shaft in the blind art is well known, of which official notice is taken. What is not shown is the slat and slat attachment of claim 27. However, this is met by Schuppler et al as discussed above and it would have been obvious to provide such for Pender so as to render the slats easily removable.

Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pender (3,181,595) in view of Schuppler et al, as applied above, and further in view of Kahn.

Providing multiple lift cords, one adjacent front and rear edges of slats, is well known as illustrated by Kahn. It would have been obvious to modify Pender to have such a lift system so as to eliminate holes in the slats. It would be inherent that the lift cords be contained in the same thread since the cords operate as one.

Claims 28, 44-46, 48 and 54-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hennequin (4,200,135) in view of Schuppler et al.

In Hennequin, see tilt drum 37, drive shaft 27, tilt member 35, 38, with 38 being radially resilient, first abutments 39, tongues 41 on ring 40, stationary abutments 15 and axial slit between 39's or between 38a's. Regarding claim 57, while Fig. 5 of Hennequin shows the tilt cords connected to the tilt member at locations that are spaced but not at opposing sides, such is considered to be an obvious design modification determined on how much cord is available/desired, extent of tilting of the slats, etc. What is not shown is the slat and slat attachment of claim 27. However, this is met by Schuppler et al as discussed above and it would have been obvious to provide such for Hennequin so as to render the slats easily removable.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blair M. Johnson whose telephone number is (571) 272-6830. The examiner can normally be reached on Mon.-Fri., 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Mitchell can be reached on (571) 272-7069. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Blair M. Johnson/
Primary Examiner, Art Unit 3634

BMJ
2/12/09